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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 LUCIANO TONELLI,

10 Plaintiff,

11 v.

12 ARLEE ROTHWELL et al.

13 Defendants.

14 CASE NO. C12-5751 RJB-JRC

15 ORDER

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
17 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining
18 record, does hereby find and ORDER:

- 19 1. The Court adopts the Report and Recommendation;
- 20 2. The Court will not dismiss this action pursuant to Fed. R. Civ. P. 25(a)
21 because the Court does not know if the notice of death of plaintiff was
22 properly served; and
- 23 3. This matter is RE-REFERRED to Magistrate Judge J. Richard Creatura.

24 DATED this 18th day of March, 2013.


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26 ROBERT J. BRYAN
27 United States District Judge